

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
October 22, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on October 22, 2013 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Day, Hemphill, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

**COMMUNICATIONS:**

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**LETTER FROM THE ENGLISH-SPEAKING UNION OF THE UNITED STATES, MONMOUTH COUNTY BRANCH, REQUESTING PERMISSION TO USE BINGHAM HALL ON FRIDAY, NOVEMBER 8<sup>TH</sup> FROM 5:00 P.M. UNTIL 7:00 P.M. FOR A MEETING AT WHICH THEY WOULD LIKE TO SERVE WINE AND HORS D'OEUVRES:**

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The Municipal Clerk/Administrator advised of a letter dated October 15, 2013 from Richard T. Biernack, of the English-Speaking Union of the United States Monmouth County Branch, requesting permission to use Bingham Hall on Friday, November 8<sup>th</sup> from 5:00 p.m. until 7:00 p.m. for a meeting at which they wish to serve hors d'oeuvres and wine to the members.

In answer to a question from Councilwoman DeVoe, the Municipal Clerk/Administrator advised that the English-Speaking Union has used Bingham Hall for their meeting in the past and that they would need Council approval for serving alcohol.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication was ordered received and permission for the English-Speaking Union to use Bingham Hall on November 8<sup>th</sup> and to serve wine and hors d'oeuvres was granted. All in favor.

**CONSENT AGENDA:**

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**LETTER FROM THE STATE OF NJ DEP APPROVING THE MODIFICATION TO A FRESHWATER WETLANDS TRANSITION SAW REDEVELOPMENT PERMIT FOR BRADLEY D. LANDES TO CREATE A DRIVEWAY AND INSTALL UNDERGROUND UTILITIES BENEATH THE DRIVEWAY ON PROPERTY LOCATED AT 16 RIDGE ROAD:**

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The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Bradley Landes advising of the approval of the modification to the Freshwater Wetlands Transition SAW

Redevelopment Permit to create a driveway and install underground utilities beneath the driveway on property located at 16 Ridge Road.

**LETTER FROM THE STATE OF NJ DEP APPROVING THE COASTAL GENERAL PERMIT NO. 9 FOR RICHARD DONOVAN FOR THE REMOVAL OF AN EXISTING SINGLE-FAMILY HOME AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, GARAGE, POOL, PATIO, DRIVEWAY AND ASSOCIATED IMPROVEMENTS ON PROPERTY LOCATED AT 9 OAK TREE LANE:**

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The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Richard Donovan advising of the approval of the Coastal General Permit No. 9 for the removal of an existing single-family home and the construction of a new single-family dwelling, garage, pool, patio, driveway and associated improvements on property located at 9 Oak Tree Lane.

**LETTER FROM THE STATE OF NJ DEP APPROVING THE COASTAL GENERAL PERMIT NO. 9 FOR RYAN AND HILLARY MULDOON FOR THE REMOVAL OF THE EXISTING SINGLE-FAMILY HOME AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, GARAGE, DECK, PORCH, DRIVEWAY AND ASSOCIATED IMPROVEMENTS ON PROPERTY LOCATED AT 36 WARREN STREET:**

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The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to Ryan and Hillary Muldoon advising of the approval of the Coastal General Permit No. 9 for the removal of the existing single-family home and the construction of a new single-family dwelling, garage, deck, porch, driveway and associated improvements on property located at 36 Warren Street.

**LETTER FROM THE STATE OF NJ DEP ACKNOWLEDGING THE WITHDRAWAL OF THE APPLICATION FOR THE FRESHWATER WETLANDS TRANSITION AREA WAIVER AVERAGING PLAN AND EXEMPTION FOR WILLIAM AND KATHERINE THOMPSON ON PROPERTY LOCATED AT 12 TYSON LANE:**

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The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection, Division of Land Use Regulation to William and Katherine Thompson advising of the approval of the withdrawal of their application for the Freshwater Wetlands Transition Area Waiver Averaging Plan and Exemption to reconstruct a driveway and single-family dwelling on property located at 12 Tyson Lane.

On motion by Councilman Rubin, seconded by Councilman Day, the above four (4) items on the Consent Agenda were ordered received. All in favor.

**COMMITTEE REPORTS:**

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None.

**UNFINISHED BUSINESS:**

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**ORDINANCE 13-010 G TO AMEND GENERAL ORDINANCES CHAPTER VII, TRAFFIC, SECTION 3 TO ADD A HANDICAPPED PARKING SPACE ON THE STREET. PUBLIC HEARING:**

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The Municipal Clerk/Administrator stated that an ordinance entitled:

**13-010 G**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON  
BY AMENDING CHAPTER VII, TRAFFIC ORDINANCE**

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Hemphill, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

**NEW BUSINESS:**

**INTRODUCTION OF ORDINANCE 13-011 TO ESTABLISH THE SALARIES FOR POLICE OFFICERS ACCORDING TO THE 2014-2018 CONTRACT IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, NOVEMBER 19, 2013 AT 4:30 P.M.:**

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

**13-011**

AN ORDINANCE FIXING  
COMPENSATION RANGES FOR MEMBERS  
OF THE POLICE DEPARTMENT  
OF THE BOROUGH OF RUMSON,  
NEW JERSEY.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson that the compensation ranges for the offices listed below for the years 2014 and beyond shall be as follows:

Section 1.

NON-CONTRACT

1. Chief                \$104,000.00 to \$142,000.00

CONTRACT

Police Officers hired prior to January 1, 1997 will receive compensation within the following salary ranges:

**SCHEDULE I**

	<b>From</b>	<b>To</b>
Captain	118,066	130,355
Lieutenant	111,589	123,203
Sergeant	107,464	118,649
Senior Patrolman (Year 6)	102,295	112,943
Chief Investigator	750	750
Patrolman Year 5	N/A	N/A
Patrolman Year 4	N/A	N/A
Patrolman Year 3	N/A	N/A
Patrolman Year 2	N/A	N/A
Patrolman Year 1 (Probationary)	N/A	N/A

Police Officers hired between January 1, 1997 and January 1, 2003 will receive compensation within the following salary ranges:

**SCHEDULE II**

	<b>From</b>	<b>To</b>
Captain	118,066	130,355
Lieutenant	111,589	123,203
Sergeant	107,464	118,649
Senior Patrolman (Year 7)	102,295	112,943
Chief Investigator	750	750
Patrolman Year 6	N/A	N/A
Patrolman Year 5	N/A	N/A
Patrolman Year 4	N/A	N/A
Patrolman Year 3	N/A	N/A
Patrolman Year 2	N/A	N/A
Patrolman Year 1 (Probationary)	N/A	N/A

Police Officers hired after the date of January 1, 2003 will receive compensation within the following salary ranges:

### **SCHEDULE III**

	<b>From</b>	<b>To</b>
Captain	118,066	130,355
Lieutenant	111,589	123,203
Sergeant	107,464	118,649
Senior Patrolman (Year 8)	102,295	112,943
Chief Investigator	750	750
Patrolman Year 7	95,328	105,251
Patrolman Year 6	86,662	95,682
Patrolman Year 5	77,995	86,112
Patrolman Year 4	69,329	76,545
Patrolman Year 3	60,662	66,976
Patrolman Year 2	51,999	57,412
Patrolman Year 1 (Probationary)	43,331	47,842

#### **Section 2.**

The salaries fixed by the foregoing section of this ordinance shall be payable in equal semi-monthly installments.

#### **Section 3.**

The schedule of compensation and salaries and longevity herein set forth shall be effective as of January 1<sup>st</sup> of each year noted in the schedules.

#### **Section 4.**

Longevity: In addition to the annual salary as determined by ordinance aforesaid each full-time officer shall receive by way of longevity payment as shown in the following schedule:

Beginning year 4 thru end of year 7	1,675
Beginning year 8 thru year 11	2,500
Beginning year 12 thru year 15	3,875
Beginning year 16 thru year 19	4,900
Beginning year 20 thru year 23	6,050
Beginning year 24 thru year 27	6,950
Beginning year 28 and thereafter	7,250

The longevity payment, by way of salary, shall be paid twice each month and shall be reported to the appropriate New Jersey Pension Fund, together with the annual salary as “Regular Base Salary,” as part of the officers’ salaries. The aforesaid longevity payment program for each officer shall continue until such time as the officer resigns or retires. The longevity payment shall not be compounded annually, but shall be added to the annual salary as the annual salary may be increased.

The schedule of compensation and salaries and longevity herein above set forth shall be effective as of January 1<sup>st</sup> of each year noted in the schedules and be payable twice each month.

#### **Section 5.**

Ordinance 10-018 entitled “An Ordinance Fixing Compensation Ranges for Members of the Police Department of the Borough of Rumson, New Jersey” passed and approved on December 14, 2010 for the Police Officers and Police Chief and amendments thereof and supplements thereto are hereby repealed.

#### **Section 6.**

This ordinance shall take effect upon its passage and publication according to law.

Councilman Shanley moved the adoption of this ordinance in first reading. Motion seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, November 19, 2013 meeting of the Borough Council at 4:30 p.m.

**RESOLUTION 2013-1022-156 AUTHORIZING THE APPOINTMENT OF NICHOLAS A. FABIANO, JR. AS PART-TIME BUILDING/ELECTRICAL INSPECTOR EFFECTIVE OCTOBER 15, 2013:**

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**2013-1022-156**

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, part-time Electrical Inspector/Electrical Subcode Official/Assistant Building Inspector Edward R. Hryczyk has resigned effective September 1, 2013; and

WHEREAS, the Borough has a need for such positions to successfully run the Borough's Construction Department; and

WHEREAS, Nicholas A. Fabiano, Jr. has applied for the position and has been found qualified to perform the duties of the positions; and

WHEREAS, the Public Buildings/Construction/Zoning/Engineering Committee of the Borough Council has recommended Mr. Fabiano's appointment as part-time Electrical Inspector/Electrical Subcode Official/Assistant Building Inspector as needed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Nicholas A. Fabiano, Jr. be appointed to the position of part-time Electrical Inspector/Electrical Subcode Official/Assistant Building Inspector as needed effective October 15, 2013 with an annual salary of \$19,760.00; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION 2013-1022-157 PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2013 BUDGET OF THE BOROUGH OF RUMSON FOR A \$19,000 STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, LOCAL PLANNING SERVICES, POST SANDY PLANNING ASSISTANCE GRANT:**

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**2013-1022-157**

BOROUGH OF RUMSON

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL  
ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF  
RUMSON PURSUANT TO N.J.S.A. 40A:4-87  
(CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rumson hereby requests the Director of the Division of Local Finance approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$19,000.00, which item is now available as a revenue from the State of New Jersey, Department of Community Affairs, Local Planning Services, Post Sandy Planning Assistance Grant pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$19,000.00 be and same is hereby appropriated under the caption of Post Sandy Planning Assistance Grant.

The above Resolution was moved for adoption by Councilman Hemphill. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION 2013-1022-158 AUTHORIZING THE REFUND OF THE CASH BONDS  
FOR STREET OPENING PERMITS 80/2013 AND 85/2013:**

**2013-1022-158**

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Nancy A. and James E. Morris, 54 Lafayette Street, Rumson, NJ 07760 paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 80/2013; and

WHEREAS, Foxworth Building Company LLC, 50 Winfield Drive, Little Silver, NJ 07739 paid the required \$1,000.00 cash bond plus the \$100.00 application fee for Street Opening Permit Number 85/2013; and

WHEREAS, Mark Wellner, Superintendent of Public Works, has inspected the projects listed above and has found them to be satisfactory and therefore recommends the release of the \$1,000.00 bonds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Nancy A. and James E. Morris, 54 Lafayette Street, Rumson, NJ 07760 be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Rumson that Foxworth Building Company LLC, 50 Winfield Drive, Little Silver, NJ 07739 be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

**ANNOUNCEMENT BY THE MAYOR:**

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Mayor Ekdahl made the following Announcement:

The Rumson Recreation Halloween Parade will be held at Victory Park on Thursday, October 31<sup>st</sup> at 3:45 p.m. followed by a Concert by Yosi.

Thank you and have a safe and enjoyable Halloween.

**FINANCIAL OFFICER’S REPORT;**

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The Financial Officer’s Reports disclosed the following as of September 30, 2013:

Borough of Rumson  
Chief Financial Officer Report to the Mayor and Council

Analysis of Cash for the Month Ending: September 30, 2013

<b>Funds</b>	<b>Beginning Balance</b>	<b>Cash Receipts</b>	<b>Disbursements</b>	<b>Ending Balance</b>
1. CURRENT FUND				
Current Fund Checking	\$ 21,912,999.36	\$ 4,426,344.47	\$ (9,626,321.66)	\$ 16,713,022.17
Change Funds	\$ 300.00	\$ 0.00	\$ 0.00	\$ 300.00
Certificates of Deposit	\$ 0.00	\$ 0.00	\$ 0.00	\$ —
Total Current Fund	\$ 21,913,299.36	\$ 4,426,344.47	\$ (9,626,321.66)	\$ 16,713,322.17
2. CAPITAL FUND				
Capital Fund Checking	\$ 1,043,879.80	\$ 0.00	\$ (77,106.96)	\$ 966,722.84
2007 Capital Improvement Bond Proceeds	\$ 647,934.93	\$ 0.00	\$ 0.00	\$ 647,934.93
Total Capital Fund	\$ 1,691,814.73	\$ 0.00	\$ (77,106.96)	\$ 1,614,707.77
3. PAYROLL & PAYROLL AGENCY				
Payroll	\$ 2,981.86	\$ 263,766.79	\$ (263,766.79)	\$ 2,981.86
Payroll Agency	\$ 12,941.76	\$ 156,801.10	\$ (156,801.10)	\$ 12,941.76
Total Payroll & Payroll Agency	\$ 15,923.62	\$ 420,567.89	\$ (420,567.89)	\$ 15,923.62
4. TRUST FUNDS				
Trust Fund Checking	\$ 725,669.56	\$ 2,002.00	\$ (1,677.88)	\$ 725,993.68
Unemployment Trust	\$ 110,948.55	\$ 73.00	\$ 0.00	\$ 111,021.55
Recreation Trust	\$ 279,411.87	\$ 6,032.00	\$ (15,849.11)	\$ 269,594.76
C.O.A.H. Trust	\$ 1,121,866.51	\$ 10,394.80	\$ (1,390.56)	\$ 1,130,870.75
Law Enforcement Trust Fund	\$ 428.33	\$ .28	\$ 0.00	\$ 428.61
D.A.R.E.	\$ 8,965.45	\$ 5.89	\$ 0.00	\$ 8,971.34
Cafeteria Plan	\$ 2,929.14	\$ 0.00	\$ (303.66)	\$ 2,625.48
Animal Control Trust Fund	\$ 38,975.89	\$ 188.00	\$ (549.63)	\$ 38,614.26
Public Assistance Trust Fund	\$ 839.35	\$ 0.00	\$ 0.00	\$ 839.35
Total Trust Funds	\$ 2,290,034.65	\$ 18,695.97	\$ (19,770.84)	\$ 2,288,959.78
TOTAL ALL FUNDS	\$ 25,911,072.36	\$ 4,865,608.33	\$ (10,143,767.35)	\$ 20,632,913.34

Respectfully submitted by:

*Helen L. Graves*

Helen L. Graves, Chief Financial Officer

On motion by Councilman Broderick, seconded by Councilman Day, the Financial Officer’s Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

**CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):**

Councilman Hemphill offered the following resolution and moved its adoption:

\$	685.00	Monmouth County SPCA
\$	31.43	Red Bank Veterinary Hospital
\$	260.05	Tomahawk Live Trap Co
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\$	976.48	Animal Control Account
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\$	1,660.00	Kerrigan Electric Inc
\$	9,900.00	Pickwick Well Drilling Inc
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\$	11,560.00	Capital Account
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\$	9.55	New Jersey American Water
\$	181.75	Jeffrey R Surenian & Assoc LLC
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\$	191.30	COAH Trust Fund
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\$	614.00	Action Print Solutions
\$	836.00	Air & Gas Technologies
\$	80.00	ANJR
\$	315.00	AR Communications
\$	225.00	Asbury Auto Top
\$	700.00	Autoshred LLC
\$	1,600.00	Becker Tree Service
\$	9,920.00	Borough of Fair Haven
\$	13.38	Builders General Supply Co
\$	184.15	Clayton Block Co Inc
\$	116.98	Comcast of Monmouth
\$	4,095.36	Delta Dental of New Jersey Inc
\$	91.07	Fastenal Co
\$	240.00	Garden State Highway Products
\$	22,265.59	Giordano Halleran & Ciesla
\$	261.16	WW Grainger Inc
\$	41.00	Jane F Hartman
\$	1,269.00	HHW Group LLC
\$	3,262.50	Hutchins Meyer & DiLieto PA
\$	593.95	Power Crimp Industries Inc
\$	924.00	Interstate Mobile Care Inc
\$	165.70	JB Sales and Service
\$	8,350.66	JCP&L
\$	352.72	Johnny on the Spot Inc
\$	43.17	John Deere Landscaping
\$	1,300.00	KKD Enterprises Inc
\$	60.00	Peter Koenig
\$	2,436.28	Marpal Disposal
\$	374.14	Naylor's Auto Parts
\$	64.00	Nelson Press
\$	100.00	Neopost USA Inc
\$	5,294.86	New Jersey American Water
\$	165.00	NJ State League of
\$	200.74	One Call Concepts
\$	399.24	PEP Express Parts
\$	4,130.00	Realty Appraisal Company
\$	10,910.00	Reussille Law Firm LLC
\$	42.25	Seaboard Welding Supply Inc
\$	247.83	Frederick G Shea
\$	416.40	Shore Industrial Supply
\$	121.94	Sickles Market
\$	250.00	State Shorthand Reporting Serv



\$	1,342.31	Stavola Asphalt Co Inc
\$	205.90	State of NJ Treasurer
\$	2,120.00	Targeted Technologies LLC
\$	801.60	Taylor Fence Co Inc
\$	450.00	Treasurer State of NJ
\$	517.64	Trico Equipment Services LLC
\$	10.40	Michael Trivett
\$	207.70	The Two River Times
\$	17.52	Up-Tite Fasteners Inc
\$	271.32	Verizon
\$	160.04	Verizon Wireless
\$	134.99	Verizon Business Fios
\$	54.00	Wageworks
\$	199.00	Warshauer Electric Supply
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\$	89,565.49	Current Fund
\$	3,112.00	Athlete's Alley
\$	25.00	Reussille Law Firm LLC
\$	400.00	Siciliano Landscape Co LLC
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\$	3,537.00	Endowment Inc Account
\$	2,339.14	Athlete's Alley
\$	280.00	Mary Conklin
\$	786.00	Christopher Duffney
\$	35.00	Peter Halliday
\$	180.00	Jack Havard
\$	1,500.00	Jersey Premier Soccer
\$	71.25	JL Design Enterprises Inc
\$	235.00	Eamon Kitson
\$	190.00	Cole Lee
\$	30.00	Theodore Montalbano
\$	90.20	Nelson Press
\$	1,652.70	Allison Beatty O'Rourke
\$	4,000.00	Play-Well Teknologies
\$	1,000.00	RFH Rowing Inc
\$	2,000.00	Rumson Senior Citizen's Club
\$	600.00	Christopher Seslar
\$	155.00	Liam Thomas Swanzey
\$	500.00	Yosi Music LLC
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\$	15,644.29	Recreation Account
\$	1,000.00	Foxworth Building Co LLC
\$	1,000.00	Nancy A & James E Morris
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\$	2,000.00	Trust Account
\$	2,069.08	NJ Department of Labor
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\$	2,069.08	Unemployment Account
\$	119.00	Current Fund Appropriations
\$	89,446.49	Current Fund Appropriations
\$	976.48	Animal Control Fund Expenses
\$	11,560.00	Capital Fund Disbursements
\$	3,537.00	Endowment Disbursements
\$	15,644.29	Recreation Disbursements
\$	2,191.30	Trust Fund – Other Expenses
\$	2,069.08	Unemployment Disbursements
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\$	125,543.64	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

#### **COMMENTS FROM THE COUNCIL:**

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

#### **COMMENTS FROM THE PUBLIC:**

The Mayor stated that he thought that he knew why most of the residents present were in attendance this evening and stated the following ground rules:

- Anyone wishing to be heard must come forward to the microphone and state their name and address
- Speak clearly into the microphone so they can be heard by all
- Ask one question or make one comment; hold a second question or comment until everyone who wishes to speak has had a chance to do so

Mayor Ekdahl turned the floor over to the Borough Attorney, Martin M. Barger, Esq., to report on his research into group homes for drug and alcohol rehabilitation and the issues and options for the Borough. He added that he hoped that his statements would answer some of the questions that the public might have on this subject.

Borough Attorney Martin M. Barger thanked Mayor Ekdahl and stated that he knew that everyone present would like him to report that the group home residents at Oxford House at 61 South Ward Avenue would be leaving tomorrow and the issue would be ended, but unfortunately that was not the case. He stated the following:

- The facilities are protected by federal legislation
- A number of cases have come before the Supreme Court and the residents of the facilities have been ruled to be “families” and a permitted use in a one-family dwelling
- Oxford House is a major international corporation with over 1,600 facilities nationwide in 45 states, over 100 in the State of New Jersey and a number in Monmouth County, including Middletown, Bradley Beach, Asbury Park, Freehold, Long Branch, Loch Arbor, Wall Township, and others
- Each facility is given a charter, with which they must comply; if the residents do not comply with the charter, the Borough cannot get involved
- The National and State Oxford House organizations are the ones to get involved when there are problems

Mr. Barger reported that he has reached out to the National Oxford House headquarters in Silver Springs, Maryland to advise of the situation at the Oxford House facility on South Ward. He has requested that they look into the matter, but he has not gotten a response from them as yet. One of the concerns is parking for the vehicles of the nine male residents, especially with the ban on overnight parking on Borough streets that will begin on December 1<sup>st</sup>.

Mr. Barger stated that the group home is a permitted use in the Borough, but the residents must comply with all the rules and regulations that all Borough residents must; they cannot violate the parking ordinances or the construction code, be a nuisance or anything of that nature. Mr. Barger assured the public that the Mayor, members of the Council and the Borough Administrator were making every effort to make sure that the residents and organization are in full compliance with everything in the Borough. He added that we are limited in what we can do other than enforce the Police, Construction Code and Zoning Ordinances. The Borough cannot get rid of the facility and the organization has a two-year lease; any eviction proceeding would have to be brought about by the landlord. Mr. Barger stated that the landlord could not evict them unless they were in violation of his lease.

Mr. Barger stated that the Police Department is checking on an ongoing basis to make sure that the residents are complying with the Borough Ordinances and we have addressed the issue with the Construction Department to check to make sure they comply with everything required under the Construction Code. He added that we have researched this and unfortunately that was about all we could do at the moment. In answer to the questions from the public, Mr. Barger stated that the

Mayor and Borough Administrator might be able to indicate further steps that have been taken, but legally that was where we were at this time.

Mayor Ekdahl stated that he would take questions from the public after he clarified a point that Mr. Barger made: boarding houses are not permitted in Rumson, in fact we have an Ordinance prohibiting boarding houses; however, towns have challenged residents of such facilities being considered as a single family, and were overruled by federal courts—the residents of such facilities were to be considered as a single family.

At this time Mayor Ekdahl afforded the public an opportunity to be heard and the following residents responded:

James Sylvester of 22 Washington Avenue read a statement that he had prepared that the neighbors asked that he read at this meeting noting the following points of concern to the area residents:

- The death of a resident of Oxford House at 61 South Ward Avenue from an alleged drug overdose, as reported by the media
- The residence is a “self-run, self-supported group home for recovering alcoholics and drug addicts” under the Oxford House network
- There have been a number of complaints registered by area residents to the Rumson Police Department and concerns voiced to various other town officials regarding Oxford House
- With the events that have occurred and been observed by neighbors, the bona fides of the organization are in question and whether this facility is a rehabilitative facility
- The Oxford House organization did not reach out to the neighborhood to explain how one of their group homes is supposed to work; any information the neighbors have is because of individuals researching for themselves
- Oxford House did not go before the Rumson Zoning Board of Adjustment for a variance for the community residence and therefore there was no public forum for the residents in the neighborhood to ask questions and voice their concerns; they should follow the same zoning process as all residents do
- Oxford House should have to account for how they intend to comply with zoning requirements, such as parking, and address safety issues
- Residents living on the third floor of the dwelling, which lacks a second means of egress, violates fire and safety codes

Mr. Sylvester suggested in his letter that Oxford House should provide certain assurances and confirmation of resident screening, the facility residents undergo random drug and alcohol testing, neighbors be allowed to report to the Rumson Police Department for their investigation if there is any alcohol consumption, and the rules and regulations governing Oxford House residents are provided to a Borough official or designated neighbor to serve as a liaison.

Mr. Sylvester concluded his letter with a statement that, if Oxford House on South Ward lived up to the charter, was a good neighbor and served as a place for men to overcome addiction and turn their lives around then he and his neighbors would be pleased to have them as neighbors. He added that he would like to have the Council put the area neighbors on the next Borough Council meeting agenda for a more formal presentation.

The Municipal Clerk/Administrator asked Mr. Sylvester if he could have a copy of the letter for the record and Mr. Sylvester gave him a copy.

Mayor Ekdahl thanked Mr. Sylvester for his comments. He stated that there were two legal points in the letter and asked the Borough Attorney to address the following:

- Do they need to appear before the Zoning Board of Adjustment for a variance or with an application?
- Can the Police Department enforce Oxford House rules as opposed to Borough Ordinances?

Mr. Barger addressed the following points:

- The Supreme Court and Federal District Court case decisions have ruled that groups such as Oxford House are considered “families” and a municipality cannot discriminate against them, must treat them the same as they would any family and cannot force them to get a variance. He added that he did not agree with Mr. Sylvester on the variance issue.

- As he had stated earlier, that as far as the Construction Code and Zoning are concerned, we do have a right to enforce and we will enforce them.
- As far as Mr. Sylvester's concern of them using the third floor for bedrooms, the Mayor had advised him that in the past all three floors of the dwelling have been used and the third floor was used for bedrooms. He stated that if that was correct, it would be a non-conforming use and we would explore if that was the case in the past. He added that Mr. Sylvester was correct in that normally at present you could not have bedrooms on the third floor, but, if in fact they were used as bedrooms previously, you might have a nonconforming use situation.

Mayor Ekdahl stated that the building itself is out of code, but it is grandfathered. He asked Mr. Barger to comment on the question of the Rumson Police Department enforcing rules sanctioned by Oxford House.

Mr. Barger stated that enforcement of Oxford House rules would be internal and not enforced by the Rumson Police Department. Mr. Barger added that he had recently indicated to the Mayor that on October 17, 2013 he had contacted by letter J. Paul Molloy, the CEO of Oxford House, Inc. in Silver Springs, Maryland, to bring this matter to Mr. Molloy's attention. He added that the letter explained all the problems that we have had—many of which Mr. Sylvester had listed in his letter—and asked Mr. Molloy to investigate this matter.

The following residents were also in attendance and spoke:

Jim Azaceta, 70 South Ward Avenue; Barbara Russell, 27 Washington Avenue; Tom Harmon, 87 South Ward Avenue; Matt Stapanski, 19 Conover Lane; Katie Johnson, 58 South Ward Avenue; Tim McCooley, 22 Buttonwood Lane East; Gwendolyn Wisely, 33 Waterman Avenue; Mary Argilagos, 3 Bingham Hill Circle; Tom Ridgway, 56 Blackpoint Road; Jen Littman, 69 South Ward Avenue; Joann Molnar, 81 Waterman Avenue; Scott Carmilani, 29 Shrewsbury Avenue; Maryann Baret, 7 Park Avenue; Sandy Booket, 89 South Ward Avenue; Mariann Miller, 151 Bingham Avenue; Sean Moran, 21 Robin Road; Tom Mulligan, 27 Rumson Road; Ann Calvanico, 28 Grant Avenue; Mary Sheridan, 15 Edgewood Road; Katie McBride, 28 Lincoln Avenue; and Megan Collard, 3 Shrewsbury Drive.

The following points were brought up by the above residents:

- Mr. Azaceta asked, with the number of people living there, whether the Oxford House was considered public housing or single-family use and if it complied with Fire Subcode requirements for sprinkler systems, which should be the responsibility of the homeowner to bring the building up to code.  
Mr. Barger advised that it was not public housing and that he agreed with Mr. Azaceta about the Fire Subcode requirements, which he had discussed with Borough Administrator Tom Rogers. He added that they would be discussing the matter with the Code Enforcement Officer and the Construction Code Official.
- Ms. Russell asked how people of all different families become a family.  
Mr. Barger stated that, whether we agree or not, the U.S. Supreme Court has ruled that they are designated as a family. He added that Congress passed legislation adopted in 1988 dealing with Fair Housing and making sure that there was no discrimination against housing for people like the Oxford House residents. The legislation has been challenged and the Supreme Court has ruled that those residents are considered to be a family and to be treated as such.  
In answer to a question by Ms. Russell if she could invite rehabilitation people into her home to live and turn it into a boarding home, Mr. Barger stated that she could do that, but it would not be a boarding home, it would be treated like a family. He reiterated that the Oxford House organization has homes in many Monmouth County locations, homes throughout New Jersey, 1,600 facilities in 45 states, and others internationally, so this is a major organization that has existed for quite some time.  
Borough Administrator Tom Rogers stated that the question was the difference between a boarding house and places such as Oxford House—a boarding house consists of people with no disabilities who move in and pay rent for a room, which, by Ordinance, is not allowed in Rumson; in this case, the Supreme Court has ruled that people with an addiction who are grouped together in a dwelling are considered a family and cannot be discriminated against under the Americans With Disabilities Act (ADA). He added that, if Ms. Russell were to invite a group of people who were addicts to live in her home, it would qualify as a family under the ADA; but she could not rent rooms to individuals who did not have such a disability because that would be considered a boarding house.

- Mr. Harmon questioned the assertion that the facility is a sober house and complies with the ADA; if they are acting in a manner that is inconsistent or have residents that are ineligible they would not qualify for ADA protection.  
Mr. Barger stated that he understood that there were questions as to whether the facility was being run properly and that was why he contacted the National Headquarters in Maryland last week to question whether they were in compliance. He added that, if the residents were in violation of the charter, then something would need to be done about it; based on his conversations with Mayor Ekdahl and Mr. Rogers, he wrote to the National Executive Director in Maryland on Friday last week requesting an investigation of the facility, but he has not received a response as yet. Mr. Barger stated that he was not accepting on face value that they were in compliance.
- Mr. Stapanski stated his concern that the facility for recovering addicts was self-monitoring with no supervision and that his wife, as a former social worker, felt that it was a recipe for disaster. He wanted to know if the Borough could do anything to recommend or require some level of supervision of the residents to monitor the environment and maintain a greater level of order.  
Mr. Tom Rogers stated that, in conversations with a few of the New Jersey Oxford House representatives that we have contacted as well, he learned that there was a gentleman who came down and monitored the house. He added that he has requested a meeting with him and would set that up soon. In answer to a question by Mr. Stapanski, Mr. Rogers stated that he did not know the frequency of the visits but that was a good question, adding that the information on the Internet site was somewhat vague, noting that the facilities were monitored but not how often. He said that was information that we needed to find out. Mr. Rogers stated that there was one resident that was chosen by the other residents and the Oxford House representatives to be the person in charge, which would be paying the bills and being the go to person at the facility on a daily basis. He added that this person was a resident and not an outsider, social worker or someone with some type of professional background.  
Mr. Stapanski stated that the point made earlier by another gentleman to have a liaison would be a good idea and perhaps the facility person in charge would be the right choice to give the community information and access to the house.
- Tim McCooley questioned what the town can do or was there a plan in place to make sure that this doesn't happen again.  
Mayor Ekdahl stated that it was his understanding that, if the owner of the residence wants to allow his home to be rented to such a group, there was nothing to prohibit it. In answer to another question from Mr. McCooley, the Mayor stated that even if we had an ordinance to prohibit it, it would be overruled by federal case law.  
Mr. McCooley wanted to know if we could have the use of the house as a rehabilitation facility stopped and the residents removed because the drug overdose death of the resident made the facility ADA noncompliant.  
Mr. Barger stated that before taking such an extreme step, we need to talk with the National Headquarters, State and Monmouth County representatives of Oxford House; he added that the Monmouth County representative has agreed to meet with the Mayor and Council in the very near future. Mr. Barger stated that we need to take these steps to try to work things out before we sue for an injunction.  
Mr. Rogers stated that he wanted to add that the autopsy results with the cause of death have not been released yet.  
Mr. McCooley asked if we had or could get statistics on incidents like this in other Oxford House facilities.  
Mr. Barger stated that he did not have that information, but it was a very good question.
- Ms. Wisely thanked the Mayor and Council for listening to them and understanding how concerned they are. She stated that she wondered if the Mayor and Council had any advice on some sort of procedure on how we might keep this conversation going since there were so many open ended questions.  
Mayor Ekdahl stated that, as Mr. Barger had stated earlier, he was in communication with representatives at the national level and the Council was having two of the State representatives come to meet in the near future and undoubtedly we would learn more.  
Mr. Barger stated that the first meeting with the Oxford House representatives would be with the Mayor and Council only and not open to the public because it could possibly be a matter of litigation. After the meeting we will see where the matter goes.  
In answer to a question from Mayor Ekdahl, the Borough Administrator stated that he would give the matter some thought as to how to best communicate the information with the Borough residents as things develop.

Mayor Ekdahl stated that it would be far more efficient to get the information out to the residents rather than have the residents attend Council meetings every two weeks, so he asked that they let us think it through.

- Ms. Argilagos asked how long the lease was for, to which she was told it was a two-year lease. She stated that she saw on the deed online that the house at one time was in foreclosure and sold for \$100.00.

Mayor Ekdahl stated that it had been in foreclosure at one time but the sale price of \$100.00 was incorrect.

In answer to a question of how the house was sold, Mr. Rogers stated that it was sold at Sheriff's Sale and if she would like to come to Borough Hall tomorrow, she could check the file for the property that has copies of all the deeds going back in time; all the documents for the Sheriff's Sale would be in the property file also and were public record.

The Mayor stated that notices of Sheriff's Sales were published in the newspapers.

Mr. Rogers stated that all Sheriff's Sale notices were listed in the classified section of the *Asbury Park Press*. He added that the \$100.00 sale price was to buy the lean on the property and the property sale price purchased with the lien could be hundreds of thousands of dollars.

- Mr. Ridgeway stated that there are a lot of Oxford House facilities in shore towns, but there doesn't seem to be any in our local area shore towns. He thought that perhaps we should check the ordinances of those towns to see what they have done to possibly keep out such facilities and perhaps we could model ours to theirs.

- Ms. Littman stated that there were no such facilities in Sea Bright and perhaps they have figured out a loophole for the family definition.

Mr. Barger stated that he doesn't know this for a fact, but most of the dwellings used for Oxford House residents are larger homes to accommodate 8, 9, 10 or more residents and there may not be the size homes in Sea Bright to house that many residents. He added that it was federal law and Supreme Court cases, not local ordinances that govern the family definition. In answer to another question from Ms. Littman, Mr. Barger stated that most town ordinances are boilerplate with the language used for one- and two-family houses. Mayor Ekdahl stated that it would be fair to say that no municipality in New Jersey had ordinances to exclude them that were legal.

- Ms. Molnar stated that she read online that there was a town that won a case with an ordinance that Oxford House exceeded.

Mr. Barger stated that if she would provide him with the name of the town he would be happy to review it.

Other residents in attendance advised that it was a town in Illinois.

Ms. Molnar asked if there was any information regarding other Oxford House locations being in close proximity to an elementary school as 61 South Ward Avenue was to Holy Cross School on Rumson Road. She asked if we had an ordinance with any such restriction and if we could get "Drug Free Zone" signs put up in the area.

Mayor Ekdahl stated that we would look into the "Drug Free Zone" signs and asked Mr. Barger to investigate the Illinois Oxford House case and Mr. Barger stated that he just got it.

- Mr. Carmilani stated that his skimming of the Oxford House Charter states that if the residents are in violation of the Charter, then Oxford House has the right to immediately evict their own tenants. He wanted to know if we are contemplating possible legal action just against Oxford House or are we possibly thinking about legal action against the owner of the property. He added that he wanted to also know if the town bought the property, would that revoke the lease agreement?

Mr. Barger stated that what Mr. Carmilani was saying was that he wanted the town to condemn it.

- Ms. Baret stated that the Charter provided to 61 South Ward had a probationary period.

Mr. Barger stated that he wrote to the National Headquarters as quickly as he could just for that reason.

Ms. Baret stated that we could ask if certain incidents happen within the probationary time and what actions could be taken.

Mr. Barger stated that he had done that already when he contacted them.

- Ms. Booket read a section of the Oxford House Charter from their website that stated that the group must immediately expel any resident who returns to use of alcohol or illicit drugs and that the Charter is granted to a group on a conditional basis for the first six (6) months to insure that a new group understands the practices of the 36-year old standard system of operations. The Charter states that after six months if the house adheres to the rules set forth the Charter for that house will be made permanent.

Mr. Barger read the following paragraph from his letter to the Oxford House Headquarters in Silver Springs, Maryland dated October 17, 2013:

“Under the circumstances, we request that Oxford House immediately investigate the facility in Rumson, determine who is in charge, what he or she is doing to eliminate these problems (that he had addressed previously in the letter), and what the Borough of Rumson can anticipate going forward. We expect your facility to fully comply with the terms of its Charter and the missions of Oxford House, and satisfactorily address all the concerns of the neighbors and the Borough of Rumson. The matter has been brought directly to the attention of National.”

- Ms. Booket stated that she would also like to read a section of an article in the Rumson Patch from September of 2012 that stated that the former Rumson property owner of 61 South Ward Avenue and his family were indicted in a mortgage scheme. She stated that she didn't know if that related to the foreclosure.

The Mayor and Council didn't know if it did, but Mayor Ekdahl stated that you could connect the dots to assume so.

Ms. Booket stated that she found that ownership of the property has gone back and forth between the past owner and the current owner several times and felt that should be looked into.
- Ms. Miller asked if an organization such as Oxford House needed to be certified by the federal group in order to qualify under the Americans with Disability Act and if we knew whether Oxford House was in good standing.

Mr. Barger stated that is qualified as a 501(c)(3) charitable organization.

Ms. Miller asked if anyone monitored to see if this organization is in good standing.

Mr. Barger stated that there are annual reports from 2012.

Ms. Miller asked if we have issues with the monitoring and there are deaths and other problems with Oxford House, is there a federal agency that we can go to for a formal complaint to be lodged?

Mr. Barger stated that the 501(c)(3) classification is issued by the Internal Revenue Service and they would get involved.

Ms. Miller wanted to know what the checks and balances were to make sure that they are truly serving their residents and helping rehabilitate to warrant federal funding.
- Mr. Moran stated that he came across an extensive article from the *Arkansas Times* written this year reporting some of the problems experienced with the Oxford House facilities in Arkansas, including a statement from Oxford House CEO J. Paul Molloy that 75%-80% of the residents in the Oxford House facilities have served time in jail, 65% were homeless as they entered the program and some suffer from mental illness as well as addiction. He asked if the organization is reaching out to the Police Department to register any of the facility residents who might have been convicted of a felony, like a child sex offenders, violent criminals or murders.

Mayor Ekdahl stated that we have had that conversation with the Oxford House North Jersey representative and we were told that they screen for violent crimes and sex offenders and would not permit anyone with those in their past to become a part of the program. He added that he and the Council would be meeting with him within two weeks to find out more about this screening process.
- Mr. Mulligan asked if it wasn't simply a matter of the lease being broken by the fact that the Oxford House resident who died of an alleged overdose took drugs within 1,000 feet of Holy Cross School, which is a crime. He stated that he had also heard, and he didn't know if it was true, that other residents had tested positive for drugs and were expelled from the facility. He also requested that the neighbor residents be allowed to attend future Council meetings to further discuss this matter.

Mayor Ekdahl stated that the Council meets two times a month and residents are given the opportunity at the end of each meeting for their questions and comments during the Comments from the Public time.

Mr. Barger stated that the house is located in a Drug Free Zone within 1,000 feet of the Holy Cross School and we would discuss with the Police Department about investigating that.

Mayor Ekdahl stated that it was illegal to sell drugs anywhere, but within a Drug Free Zone, the fines were doubled. He added that in the case of alleged drug-related death it was not a sale of drugs, but we would look into it.
- Ms. Calvanico stated that she and others are very concerned about the situation and asked if there would be increased police presence in the neighborhood. She said she was concerned for the children walking to and from the school bus by themselves and many of the parents worked as she does and asked what the town was going to do to protect the children.

Mayor Ekdahl stated that of course the Police were very aware of the situation and have increased their patrol in West Park, but he asked the residents to please call the Police if they see any violations.

Ms. Calvanico stated that the people in the neighborhood would certainly do that. She asked if the owner of the property was notified each time the Police are called regarding 61 South Ward Avenue, because she thought that they definitely should be made aware each and every time.

Mayor Ekdahl stated that he couldn't say if it happened every time there was a police call, but he did know that the Police Chief and the owner have had quite a few dialogues.

Ms. Calvanico stated that she thought that the owner should be called every time there is an incident no matter what time of day or night to be made aware of the situation. (At this point many of those in attendance gave a round of applause.)

The Borough Administrator stated that Police Chief Scott Paterson was not able to attend tonight's Council meeting. Although there were certain subjects that the Chief would not be able to discuss because the investigation was ongoing, if they had questions about how they were patrolling or such, the residents should feel free to call Police Headquarters anytime.

- Ms. Sheridan stated that, especially in light of the recent tragic death at 61 South Ward Avenue, she would like the Borough to obtain proof of the Oxford House organization monitoring the house within the six-month probationary period of the charter, in order for any incidents that go against the charter to be documented. Perhaps the town could also request the results of the toxicology report on the young man that died there this month.
- Ms. McBride stated that in addition to the person who passed away in the facility, there have been two other residents who have been expelled; this would mean that the residents are transient and asked if that made a difference in defining them as a family in the Supreme Court ruling.

Mr. Barger stated that we were aware of the death and the two residents who were expelled and he had brought it to their attention in his letter to Mr. Molloy at Oxford House in the Maryland Headquarters.

Ms. McBride stated that with the expulsion of residents for violations seems to change it from semi-permanent to transient residents and wanted to know if that would change the "family" status of the facility.

Mr. Barger stated that we have not met with the Oxford House representatives yet, but he thought that the intent of the program was to rehabilitate the residents and then release them into society and any offenders would be put out of the house so they would not influence the others.

Mayor Ekdahl stated that it was not uncommon to have turnover of residents in rehabilitation facilities with some leaving by choice and some asked to leave because of violations or failing drug testing, so it was not a totally stable population.

- Ms. Collard asked Mr. Barger at what point do we decide to reach out again to the Oxford House Headquarters if we do not get a timely response from his October 17<sup>th</sup> letter.

Mr. Barger stated that we would be meeting with the Oxford House State and Regional Directors within the next two weeks, and he would follow-up with Mr. Molloy in Maryland in the interim. He added that the letter was just mailed to him four days ago on this past Friday.

Ms. Collard stated that she wanted to stress the need to act quickly during the six-month probationary period.

Mr. Rogers stated that the issue of the Borough Attorney getting the letter out to the National Headquarters was because of the six-month probationary period. He added that beyond that we have reached out to the local person who manages the house and the State individual who manages him and they were the two who have agreed to come to speak to the Mayor and Council, Borough Administrator and Borough Attorney as a start.

Ms. Collard stated that, in the seven years that she has lived in Rumson with her husband and four young children and the various things that they have gone through, including Hurricane Sandy, this is the first time that she has needed to lock the doors and has had the feeling that she doesn't want to live here. She added that she wanted the Mayor and Council to feel the same level of urgency that the area residents feel when they walk out their doors because of who may or may not be living a few doors down the road. (At this point many of those in attendance gave a round of applause.)

- Ms. Johnson stated that she has loved living here for the past fourteen years. She stated that her concern was a drug epidemic and a larger problem than just an overdose; finding out from the toxicology report what caused the death of the young man would answer that question but the bigger problem was to go after the people who sold the drugs. She wanted to know if the town really wanted to take on that responsibility because it was something that went hand-in-hand with this issue.

Mayor Ekdahl stated that he didn't think it was an issue of what we want to take it on but that we have to take it on.



Ms. Johnson wanted to know if the toxicology report finds a drug overdose to be the cause of death, then would the town proceed with a criminal investigation.

Mr. Barger stated that we would have to discuss that with the Police Chief because the Borough Council doesn't have the authority.

Mr. Rogers stated that it could not be expected that we would do something different from how drug issues would be handled if it happened somewhere else in town. It would be looked at the same as other arrests that have occurred in town, and if the Police Chief were here he would tell you that.

Mayor Ekdahl stated that he wanted to make a point about the urgency and for the people to understand that the Borough of Rumson had absolutely no warning that rental occurred.

After a few weeks, the Police Department began to get some calls and they investigated several complaints. At that time we found out about the facility and the Police Department started to patrol more heavily; shortly after there was a death and the Mayor felt that we have reacted to the situation rather quickly given the timeframe—since they only moved into Oxford House around Labor Day. He added that there has been no foot dragging on the part of the Borough.

- Ms. Russell asked if there were any Zoning Ordinances or rental laws with nuisance clauses (like too many police complaints) to have the situation looked at by the town, and if we do not, should we put something on our books.

Mayor Ekdahl stated, as Mr. Barger had explained, that we are building a record, bringing it to the attention of both the state and national organizations and that it is part of our case to say how many times we have visited the facility, including for a death.

Ms. Russell stated that the residents sit on the porch drinking and making comments to the kids that walk by, but she doesn't want to call in for every little incident because the police would get tired of the calls and when there was some major problem they might not respond as quickly.

Mayor Ekdahl stated that answering those calls was the job of the Police Department.

Ms. Russell said that the neighborhood residents would have appreciated it if the owner had come to them and explained what the facility was about and who would be living there. She stated that the house should be monitored on a daily basis not just whenever. She added that she was a recovering alcoholic for twenty-six years and understood that people just out of a thirty-day program and given free reign were going to have a party, especially as young men. Mayor Ekdahl stated that he would again urge her to call the Police Department if she sees anything that doesn't look right to her.

- Ms. Molnar stated that because of Hurricane Sandy, there were several vacant and rundown homes in the neighborhood, and she wanted to know what was stopping those owners from renting them out as rehabilitation facilities. Since we didn't know until after the fact and when there were problems that 61 South Ward Avenue was such a facility, she wanted to know if there was something that could be done to prevent it with those homes in the future and having to fight the same battle on more than one house.

Mr. Rogers stated that he didn't know about the house next to her on Waterman Avenue, but there were a number of homes on the south side of town that were owned by people who were not sure what they wanted to do with their Sandy-damaged homes—raising, rebuilding, selling or whatever. He reported that just last week the town received notice of the owners of twenty-two properties who have qualified for State funding to raise their homes and we were in the process of notifying those homeowners.

She stated that the house next to her has not been occupied for a number of years and was once a bed-and-breakfast; it would be able to house a number of people, making it a house that could serve as a facility. She wanted to know if there were other homes in the area that send up a red flag like this home that could suddenly be occupied by an Oxford House and if there was a way for the town to track it.

Mr. Rogers stated that he thought it was a great idea and we should look at that. He asked if anyone knew of other properties, to please let him know. But he stated that there were still many homeowners who just didn't know yet what they were going to do.

- Ms. Calvanico stated that part of the Oxford House Charter was for the residents to seek out other available houses in the area and that was a huge concern.

Mr. Rogers stated that he agreed.

Mayor Ekdahl asked if there were any more questions and no one responded. The Mayor recapped what the Borough would be doing in the next few weeks:

- The Borough Attorney would be in contact with the Oxford House National Headquarters
- The two local Oxford House representatives would meet with the Mayor and Council in a closed meeting

He added that we would press the case as best and as far as we could but we would have to stay in bounds—bounds that were pretty tight. The Mayor stated that the residents had our assurance that we would do everything we could while trying to stay within the bounds of the law.

Mayor Ekdahl thanked everyone for their comments and questions and stated that we would keep them apprised as we move forward. He added that some of the residents have given us excellent ideas and that it was a productive meeting. He again encouraged anyone who saw any illicit activity at the Oxford House to call the Police Department immediately.

**ADJOURNMENT:**

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On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 8:50 p.m. All in favor.

Respectfully submitted,

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Thomas S. Rogers, R.M.C.  
Municipal Clerk/Administrator